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In re Application of BATMAN et al	:	
U.S. Application No.: 09/555,718	:	
Int. Application No.: PCT/US98/25850	:	DECISION
Int. Filing Date: 04 December 1998	:	
Priority Date: 04 December 1997	:	
Attorney Docket No.: 5727-65998	:	
For: INSTRUMENT SETUP UTILITY PROGRAM	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. § 1.182" filed 24 March 2003.

BACKGROUND

On 04 December 1998, applicant filed international application PCT/US98/25850, which claimed priority of an earlier United States application filed 04 December 1997. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 June 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2000 (04 June 2000 was a Sunday).

On 02 June 2000, applicant filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 June 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 November 2000, applicant filed executed declarations signed by eleven of the twelve joint inventors and not signed by inventor Tracy Tetzlaff.

On 14 December 2000, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) indicating that the declarations filed 28 November 2000 were not fully executed.

On 12 January 2001, applicant filed a response to the 14 December 2000 notification including a declaration signed by "Tracy Knudsen". The response states that inventor Tracy Tetzlaff changed her name to Tracy Knudsen as a result of marriage. The response was treated as a request to change the name of one of the inventors.

On 07 August 2001, this Office mailed a decision dismissing the 12 January 2001 request.

On 05 September 2001, applicant filed a petition under 37 CFR 1.182.

On 05 March 2003, this Office mailed a decision dismissing the 05 September 2001 petition.

On 24 March 2003, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

MPEP 605.04(c) states in relevant part,

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The renewed petition includes an affidavit stating that inventor Tracy Tetzlaff changed her name to Tracy Knudsen as a result of marriage. The affidavit is signed with both names as required by MPEP 605.04(c).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date of 04 December 1998 and a date under 35 U.S.C. 371(c) of 12 January 2001.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read "Bryan Tung", is positioned above the printed name.

Bryan Tung
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